

REMARKS

Claims 1, 4, 5, 9, 12, 13, 31, and 32 are pending in this application. Claims 2-3, 6-8, 10-11, and 14-30 previously had been cancelled.

Double Patenting

Claims 1, 4, 5, 9, 12, 13, 31, and 32 stand rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-3 of U.S. Patent No. 6,869,610 (the '610 patent). The Applicants respectfully disagree. However, in order to expedite prosecution, the Applicants hereby submit a terminal disclaimer under 37 C.F.R. 1.1321(c) with respect to the '610 patent. The Applicants note that the filing of a terminal disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection. *Quad Enviromental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991), MPEP § 804.02 II). Accordingly, the applicant respectfully requests withdrawal of this rejection.

Applicants respectfully request that a timely Notice of Allowance be issued in this case. The Commissioner is authorized to charge any fee which may be required in connection with this Amendment, or credit any overpayment, to Deposit Account No. 50-3207.

Respectfully submitted,

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/Joseph Taffy/
Joseph Taffy
Registration No. 50,973
CUSTOMER NUMBER: 45,200

KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP
1900 Main Street, Suite 600
Irvine, California 92614-7319
Telephone: (949) 253-0900
Facsimile: (949) 253-0902